

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.35449 of 2015

G.Kishore Kumar

... Petitioner

Vs.

1. The District Revenue Officer (Stamps),
Collectorate Office, 5th Floor,
No.52, Rajaji Salai,
Chennai - 600 001,

1. The Sub Registrar,
Tiruporur.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for records pertaining to proceedings No.577/2015 dated 11.09.2015 on the file of the 2nd respondent and quash the same as illegal and unlawful and further direct the 2nd respondent to release the sale deed dated 24.11.2014 registered as document No.17984/2014.

For Petitioner : Mr.S.Sethuraman

For Respondent : Mr.A.Kumar, Spl.Govt.Pleader

O R D E R

The petitioner presented a sale deed dated 24.11.2014 for purchase of a property of an extent of 1.97 acres in S.No.108/6 in No.38, Mattukadu village, Kanchipuram under for registration. It was registered as document No.17984 of 2014. After due registration, as the document was not returned to the petitioner, the petitioner made a request. By the impugned proceedings No.577/2015 dated 11.09.2015, it was rejected by the 2nd respondent. Challenging the said proceedings dated 19.11.2015, the petitioner has come before this Court with the present writ petition.

2. On instructions, learned Special Government Pleader appearing for the respondents submitted that the document is pending with the District Revenue Officer (Stamps) for assessing the correct value of the registration fee and stamp fee, as the document is under-valued and that is the reason it has not been given.

3. Determining the valuation is one thing and withholding the document is another thing. While there is no bar for the respondents to proceed to fix the correct valuation and thereafter make demand as per law, the same cannot be a ground to withhold the document after due registration, as held by catena of decisions of this Court.

4. Therefore, the respondents are hereby directed to return the sale deed dated 24.11.2014 registered in document No.17984 of 2014 to the petitioner with an endorsement that it is being done so, subject to the pending proceedings for undervaluation apart from imposing any other condition if required. The said document will have to be returned to the petitioner within a period of four weeks from the date of receipt of copy of this order. The respondents shall complete the process of determining the valuation within a period of eight weeks from the date of receipt of copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer (Stamps),
Collectorate Office, 5th Floor,
No.52, Rajaji Salai, Chennai - 600 001,

2. The Sub Registrar,
Tiruporur.

+ 1 cc to Mr.S. Sethuraman, Advocate SR.65564

VS(CO)
Eu 15.12.15

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